

Vincent P. Manning (VPM 7005)  
**Manning, Caliendo & Thompson**  
36 West Main Street  
Freehold, New Jersey 07728  
Telephone: 732-462-4405  
Facsimile: 732-409-0347  
National Home Funding, Inc., and Robert Skowrenski, II

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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WALSH SECURITIES, INC., : Civil Action No. 97-cv-3496 (DRD(MAS))  
Plaintiff, : Hon. Magistrate Judge Michael Shipp

vs. :

CRISTO PROPERTY :  
MANAGEMENT, a/k/a G.J.L. :  
LIMITED; DEK HOMES OF NEW : **NOTICE OF MOTION FOR**  
JERSEY, INC.; OAKWOOD : **PROTECTIVE ORDER**  
PROPERTIES, INC.; NATIONAL :  
HOME FUNDING, INC.; CAPITAL :  
ASSETS PROPERTY :  
MANAGEMENT, L.L.C.; :  
WILLIAM KANE; GARY :  
GRIESER; ROBERT :  
SKOWRENSKI, II; RICHARD :  
CALANNI; RICHARD :  
DiBENEDETTO; JAMES R. :  
BROWN; THOMAS BRODO; :  
ROLAND PIERSON; STANLEY :  
YACKER, ESQ.; MICHAEL :  
ALFIERI, ESQ.; RICHARD :  
PEPSNY, ESQ.; ANTHONY M. :  
CICALESE, ESQ.; LAWRENCE :  
CUZZI; ANTHONY D'APOLITO; :  
DAP CONSULTING, INC.; :  
COMMONWEALTH LAND TITLE :  
INSURANCE CO.; NATIONS :  
TITLE INSURANCE OF NEW

YORK, INC.; FIDELITY :  
NATIONAL TITLE INSURANCE :  
CO. OF NEW YORK; COASTAL :  
TITLE AGENCY; DONNA :  
PEPSNY; WEICHERT :  
REALTORS; and VECCHIO :  
REALTY, INC., D/B/A MURPHY :  
REALTY BETTER HOMES and :  
GARDENS, :

Defendants. :

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TO: United States District Court  
U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

MOVING PARTY: Vincent P. Manning, Esq. (VMP 7005)  
Manning, Caliendo & Thomson, P.A.  
36 West Main Street  
Freehold, New Jersey 07728  
Attorneys for Plaintiff


RETURN DATE: December 7, 2009

RELIEF SOUGHT: For an Order as follows:  
  
(1) Order of Protection

SUPPORTING  
DOCUMENTATION: Certification, Letter Brief

**MANNING, CALIENDO & THOMSON, P.A.**

Dated: November 2, 2009

By:   
VINCENT P. MANNING  
Attorney for the Defendants  
Robert Skowrenski, II and  
National Home Funding, Inc.

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**CERTIFICATION OF  
VINCENT P. MANNING**

CO. OF NEW YORK; COASTAL :  
TITLE AGENCY; DONNA  
PEPSNY; WEICHERT :  
REALTORS; and VECCHIO  
REALTY, INC., D/B/A MURPHY :  
REALTY BETTER HOMES and  
GARDENS, :  
  
Defendants. :

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1. I am an attorney at law in the state of New Jersey and a partner of the law firm of Manning, Caliendo & Thomson, P.A., attorneys for the defendants, Robert Skowrenski and Nation Home Funding the above entitled action, having full knowledge of the facts herein.

2. On October 13, 2009 and October 26, 2009, I filed a Motion to Enforce Settlement before Magistrate Judge Shipp and District Judge Debevoise respectively. (Doc. 354 and Doc. 359).

3. Included in the motion papers is a Certification of Michael D. Schottland, Esq. In paragraph 12, Mr. Schottland refers to Exhibit "D" attached to his Certification, an agreement dated August 28, 2006.

4. I have received documentation from counsel for plaintiff objecting to the disclosure of Exhibit "D" and requesting that Exhibit "D" be sealed pursuant to a Protective Order.

5. Defendants Robert Skowrenski, II and National Home Funding have no objection to the entry of a Protective Order sealing Exhibit "D". I understand the position of the plaintiff to be that notwithstanding the filing of the Fourth Amended Complaint on July 10, 2009 (Doc. 302), certain confidentiality provisions in the Agreement remain operative.

Defendants Robert Skowrenski, II and National Home Funding reserve the right to rely on the documents regardless of the Protective Order in connection with the defense of this case.


6. The proposed duration of the seal of Exhibit "D" should extend to the District Court disposition of the pending motion of defendant Skowrenski and National Home Funding to enforce settlement and dismiss all claims against them.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**MANNING, CALIENDO & THOMSON,**

Dated: November 2, 2009

By:

  
VINCENT P. MANNING  
Attorney for the Defendants  
Robert Skowrenski and National  
Home Funding, Inc.

LAW OFFICES  
**MANNING, CALIENDO & THOMSON**  
A PROFESSIONAL ASSOCIATION

VINCENT P. MANNING\*  
NICHOLAS C. CALIENDO  
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DANIEL J. EASTMOND  
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EDWARD ROY ROSEN  
OF COUNSEL

\* CERTIFIED BY THE SUPREME COURT  
OF NEW JERSEY AS A CIVIL TRIAL ATTORNEY

November 2, 2009

Hon. Magistrate Judge Michael Shipp  
United States District Court  
U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**RE:** Walsh Securities v. Cristo Property Management, et al.  
USDC, District of New Jersey  
Civil Action No.: 97-3496 (DRD)(MAS)  
Moving Party: Vincent P. Manning, Esq. (VPM 7005)  
Attorney for Defendant Skowrenski and National Home Funding  
Motion Returnable: December 7, 2009

Dear Judge Shipp:

I represent defendants, Robert Skowrenski and National Home Funding, Inc. in the above captioned matter. I filed a Notice of Motion to Enforce Settlements which would result in the dismissal of all claims against Skowrenski and National Home Funding, Inc. In support of the motion, I filed a Certification of Michael D. Schottland, prior counsel to Mr. Skowrenski. Attached as Exhibit "D" to Mr. Schottland's Certification is an Agreement between Skowrenski and National Home Funding and plaintiff. Plaintiff objects to the filing of that Agreement as it contends notwithstanding the filing of the Fourth Amended Complaint, certain confidentiality provisions of that Agreement are operative. Sealing or not of this document is of no moment to

LAW OFFICES

**MANNING, CALIENDO & THOMSON, P.A.**

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the moving party. I, therefore, filed this motion for protective order to satisfy plaintiff's objections. Defendant's proposed form of Protective Order is attached.

Respectfully submitted,



VINCENT P. MANNING

VPM/b

Enc.

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This matter having been opened to the Court on application of defendant Robert Skowrenski, II and National Home Funding, Inc., Vincent P. Manning, Manning, Caliendo & Thomson, 36 West Main Street, Freehold, New Jersey 07728, and for good cause shown,

**IT IS ON THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2009, hereby Ordered that pursuant to Federal Rule of Civil Procedures 26C as follows:

1. Exhibit "D" to the Certification of Michael B. Schottland in this case will be solely used for the purposes of this litigation and for no other purpose;
2. Hereinafter, Exhibit "D" to the Certification of Michael D. Schottland shall be treated as confidential information and will be stamped by the party producing it with a notation that it is "confidential" or "confidential-attorneys only."
3. Exhibit "D" of the Certification of Michael D. Schottland can only be examined by counsel for the parties and counsel's employees as necessary in connection with this litigation.
4. Exhibit "D" of the Certification of Michael D. Schottland will be available to counsel for the parties, counsel's employees, and third party consultants or experts

retained by counsel for assistance with respect to this lawsuit only if necessary in connection with this litigation;

5. Hereinafter Exhibit "D" shall be filed with or presented to the Court or included in briefs, memoranda or other papers filed with the court in a sealed envelope bearing the legend "this envelope filed in this case by (include the name of the party), may not be opened nor the contents revealed except by prior order of this court." All oral presentations to the court, including any such Exhibit "D" to the Certification of Michael D. Schottland are to be held in camera until such time as the court orders otherwise;

6. If any attorney for any party in this litigation desires to use Exhibit "D" of the Certification of Michael D. Schottland, the attorney must first disclose to opposing counsel the person to whom he or she desires to give or disclose the document or confidential information and obtain the written permission of the attorney for plaintiff Walsh. Furthermore, each person besides counsel for the parties and counsel's employees to whom such material is to be given or made available must agree in writing not to disclose or use the information except in accordance with the terms of this order. If the consent of counsel for Walsh is not given within ten business days after the request is made, the requesting party may seek leave of court on notice to make the disclosure in question. Each attorney of record will maintain a file of all written agreements signed by persons who have received Exhibit "D" to the Certification of Michael D. Schottland after the date of this order. This file, will, on request, be available for inspection or copying by all other attorneys of record. If, during the course of any depositions, counsel for the parties in this litigation asserts that an answer to a specific inquiry is subject to

this order, the question and answer will be sealed and subject to disclosures as set forth herein;

7. Exhibit "D" to the Certification of Michael D. Schottland may be given or shown only to those persons to whom it is necessary that the material be shown for purposes of this litigation. Each such person must sign the agreement set forth above;

8. Upon the entry of this order, the Clerk is hereby directed to remove from the Court's electronic filing system Exhibit "D" to the Certification of Michael D. Schottland;

9. No portion of this order will be interpreted as restricting the use of any information and testimony in preparation for trial. Restrictions of such use of such information and testimony at trial, if any, will be in accordance with further order of this court.

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Hon. Magistrate Judge Michael Shipp